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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,174	12/31/2003	Lukas Trosman	24GA127099	5555

33727

7590

12/16/2009

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/16/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10748174	12/31/2003	TROSMAN ET AL.	24GA127099

## EXAMINER

JOHANNES P. MONDT

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3663	20091215A

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

The Appeal Brief filed 9/28/09 is still defective for reasons already set forth twice in the Notices of Non-Compliant Appeal Brief (37 C.F.R. 41.37) mailed 9/14/09 and 5/14/09. The reason is included herewith by reference to said Notices in their totality, with emphasis on the statement contained therein that "II. Related Appeals and Interferences" should contain "a statement identifying by patent, application, appeal or interference number all prior and pending appeals, interferences or judicial proceedings known to appellant, appellant's legal representative or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal". The appeal proceedings of 10/748,175 pertain to a PRIOR APPEAL and has not been identified in "II. Related Appeals and Interferences, while clearly being proceedings of a prior appeal for which the aforementioned statement is required, - with reference to the appendix XI. "Related Proceedings Appendix", in which the Appellant provides the Board with a copy of the Board of Appeals and Interferences Decision of March 31, 2008, on behalf of related application 10/748,175. Appellant should amend section "II. Related Appeals and Interferences" to identify prior appeal of 10/748,175 accordingly.

Therefore, the Appeal Brief is still defective. The Notice of Non-Compliant Appeal Brief of 5/14/09 set forth a one month time period for reply. This time period remains. Extensions of time are available under 37 C.F.R. 41.37(d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHANNES MONDT whose telephone number is (571)272-1919. The examiner can normally be reached on 8-17.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.P.M./12/15/09

December 15, 2009.

/JOHANNES P MONDT/  
Primary Examiner, Art Unit 3663